

ZT-3-2009, Off Street Parking Ordinance (Surfacing)
West Valley City
3600 Constitution Boulevard
West Valley City, Utah 84119

Purpose

This Zone Text Change is proposed to modify the existing surfacing ordinance to better specify the various surfacing options, to potentially expand those options to a wider range of West Valley City residents, and to give the Code Enforcement Division better guidelines to enforce compliance. This Zone Text Change affects Section 7-9-115 (Surfacing) of the West Valley City Code.

Background

In 2005, the surfacing ordinance was modified to require the off-street parking for most residences in West Valley to be hard surfaced. Homes with gravel driveways that did not meet the various exceptions as of the effective date of the existing ordinance are required to come into compliance by June 1, 2010. Since April 2009, residents have expressed their concern about the existing ordinance and the compliance deadlines at the comment periods at various City Council public hearings. While most of the residents who spoke at the hearings expressed a desire to relax the surfacing standards to allow gravel driveways and/or to rescind the compliance deadline, there was also a vocal opposition expressed against gravel driveways, mainly for aesthetic and maintenance considerations. At its study session on May 9, 2009, the City Council directed staff to recommend changes to the surfacing ordinance and present them to the Planning Commission for a recommendation to the City Council.

Application

West Valley City Staff is recommending a proposed new surfacing ordinance that consists of five sections. A copy of the draft ordinance is attached to this report.

Section 1

The first section mandates that all off-street parking spaces, driveways, and maneuvering areas shall be paved and permanently maintained with a hard surface, with the following possible exceptions:

1. **Agricultural.** Parcels of at least ½ acre on which an agricultural use occurs will be allowed to have a gravel driveway, provided it leads to a garage, accessory building, or properly located parking area.
2. **Residences built prior to March 30, 1988.** Parcels built before this date may use a gravel driveway for all off-street parking; however, if the home is significantly expanded, resulting in a 25 percent increase in floor area or if a new garage is constructed, the minimum required parking must be replaced with a hard surface. The date chosen is the effective date of the first ordinance to mandate hard surfacing in parking areas.
3. **Residences within the Mountain View Corridor Alignment** will not be required to replace their gravel driveways and parking areas with a hard surface.
4. **All Residences.** All residences will be required to maintain a hard surface for the minimum required area for driveways and parking, but additional parking in the front, side, or rear yard can be gravel. No more than 40 percent of a front yard in a typical West Valley City home may be hard surfaced or gravel for use as parking.

5. **Heavy Equipment in Manufacturing Zones** may be parked on gravel. Heavy equipment uses will be evaluated for their impact on City streets, neighboring properties, and the subject property.
6. **Recreational vehicle parking** may be accessed through landscaping.

Options 2, 3, and 4 are essentially new language, whereas 1, 5, and 6 are slight modifications of language in the existing ordinance.

Section 2

Section 2 of the proposed ordinance specifies additional surfacing standards for parking areas in single family dwelling or duplex lots, using language from the existing ordinance. Section 2 clarifies that gravel used for parking, driveways, and maneuvering areas will not be counted toward the maximum allowable mineral groundcover in landscape areas.

Section 3

This section establishes standards for concrete, brick, or stone pavers used for driveways, parking, and maneuvering areas.

Section 4

This section establishes standards for gravel used in driveways, parking, and maneuvering areas.

Section 5

Section 5 is language from the existing ordinance, mandating that parking is not allowed in landscaped areas.

Issues

The Planning Commission will act as a recommending body and will forward a surfacing ordinance to the City Council. The surfacing issue is controversial. Some residents expressed concern about the costs of replacing a gravel driveway with asphalt or poured concrete, and that the compliance deadline is an onerous burden on residents, particularly those with limited incomes. Residents have also stated that, especially with respect to agricultural uses, gravel driveways are appropriate, ideal for flood irrigation and drainage, and can be an aesthetically pleasing feature on a property.

Other residents expressed concern about the appearance and maintenance of existing gravel driveways, and raise the issue of fairness for those who have gone to the expense of coming into compliance with the existing ordinance. Furthermore, the Code Enforcement Division is overwhelmed with compliance cases driven in part by vague and poorly-specified language in the existing ordinance.

The intent of the proposed ordinance to give the Planning Commission a wide range of options as it prepares to make a recommendation to the City Council. Additionally, sections 2 through 5 augment the language in the existing ordinance to give the Code Enforcement Division stronger definitions and specifications to aid its enforcement efforts.

Staff Alternatives

1. **Approval**, a positive recommendation of this ordinance to the City Council. A recommendation for approval can include any or all of the options included in section 1 of the ordinance.
2. **Approval with further recommendations**, a positive recommendation of this ordinance to the City Council with suggested changes as determined through the public hearing.
3. **Continuance**, to complete further research and/or resolve any questions.
4. **Denial**, a negative recommendation of this ordinance to the City Council for reasons determined through the public hearing.

Applicant:
West Valley City

Opposed:
Oren Zabriskie
3677 S. 3600 W.

Opposed:
Greg Chilps
4736 Palmer Dr.

Opposed:
Linda Lloyd
3883 Meadowgate Dr.

Opposed:
Rebecca Binkerd
3992 W. Olive Dunn Dr.

Opposed:
Alvin Ferrin
4702 W. Harman Dr.

Opposed:
Sue Turley
4714 W. Harman Dr.

Opposed:
Douglas Young
4785 W. Harman Dr.

Opposed:
Connie Hovey
4695 W. Harman Dr.

Opposed:
Wayne Hovey
4695 W. Harman Dr.

Opposed:
Vicki Hunt
4665 W. 3650 S.

Neutral:
Antoine Carlosano
3222 Brookway Dr.

Favored:
Gerald Wise
4025 S. 6820 W.

Discussion: Frank Lilly presented the application. Phil Conder questioned if small roads that go through agricultural lots, such as in a corn field, are exempt from hard surfacing requirements as well. Mary Jayne Davis replied that she doesn't believe there are any agricultural lots in West Valley City with this type of infrastructure so she doesn't believe it will be a concern. Layne Morris, CPD Director, added that it's important for the Planning Commission to remember that this ordinance is in reference to front yards only. Jason Jones asked if there is another part of the City ordinance that addresses new subdivisions and homes. Frank replied new homes will be covered in this ordinance and it states that all homes built after March 30, 1988 must have at least 2 concrete parking spaces in the front yard.

Oren Zabriskie, a resident of West Valley City, indicated that he has a crushed granite driveway that he has worked very hard to develop and maintain over a long period of time. He stated that his driveway doesn't have a geotextile fabric and he doesn't want to remove all the gravel to lay one down. He indicated that he understands the City's intentions but he feels requiring concrete driveways can negatively impact landscaping for some residents. Jack Matheson agreed that digging up gravel to lay a geotextile fabric would be a hard, time consuming process and he feels that keeping the gravel weed free would suffice.

Greg Chilps stated that his home was built prior to the 1970's and he has a large sized driveway. He

explained that he purchased his lot partly because of the large driveway so that he would have room to park his RV. He indicated that he doesn't see what the issue with gravel driveways is if they are well maintained and kept free of weeds. He stated that if the City were to require him to hard surface his driveway, he would have around 3800 square feet which is well out of his price range. Mr. Chilps stated that he would like to maintain his gravel driveway until a time that concreting it works for him financially.

Linda Lloyd stated that her home was constructed in 1968. She indicated that the exceptions map provided by staff shows a sea of gravel but in her neighborhood only 2 of 10 homes actually have gravel driveways. She stated that she has gotten estimates from 3 separate companies to concrete her driveway and the bids were all very expensive. Ms. Lloyd stated that she has a baby on the way and her husband just experienced a 10% pay cut at work so there is simply no way they can afford to install a concrete driveway at this time. Frank Lilly indicated that if the ordinance stays as is, the front of the woman's driveway would need to be hard surfaced but the side yard could remain gravel.

Rebecca Binkerd stated that she is disabled and all estimates to concrete her driveway have ranged from \$2800 to \$6000 which is something she cannot afford. She indicated that weeds look terrible in gravel driveways but as long as they are pulled and maintained, she doesn't believe there should be a problem.

Alvin Ferrin expressed concern about agricultural definitions being incorporated into the ordinance but nothing about horticulture. He also discussed concern with negative impacts on water retention systems. Harold Woodruff stated that hard surfacing is not intended to take away from water retention. Frank Lilly indicated that the hard surfacing definition in the ordinance applies to parcels that are greater than a ½ acre and have some sort of agricultural use. Phil Conder asked if the homes in Mr. Ferrin's neighborhood were constructed after 1988. Mr. Ferrin replied there are a few that were built after that date but most of them were built prior.

Vicki Hunt stated that her neighbors have gravel driveways and it has never bothered her. She stated that she is in favor of keeping gravel driveways as long as they are well maintained. She added that the current ordinance needs to be changed and that poorly kept gravel driveways need to be more heavily enforced.

Wayne Hovey stated that he is concerned with what is affordable in today's economy. He stated that the City seems to want people to move their vehicles off the gravel and into the street which causes great safety concern. Mr. Hovey indicated that he has had a lot of problems trying to get his driveway up to standards since hearing about the new ordinance that will be put into effect next year. He stated that if the City wants hard surfacing for all driveways, the City should help residents find ways to pay for it.

Douglas Young stated that he intends on concreting his driveway at some point but has to be able to do it when he is financially ready. He indicated that his original driveway was improperly done and he won't be able to fix it by next years deadline. He added that he has improved his property to the best of his ability but everything takes time. Mr. Young stated that parking on the street is not a solution for this problem.

Connie Hovey stated that her home, that was constructed in 1943, doesn't have sidewalks or curb and gutter. She stated that she doesn't feel it's fair for the City to enforce hard surfacing when it doesn't do its part in other ways. She stated that gravel should be maintained by eliminating weeds.

Sue Turley stated that gravel landscaping is difficult to maintain but it is no different than having a gravel driveway. If gravel landscaping is an approved method she feels gravel driveways should be too. She stated that most people in the City do have hard surfacing and those that don't should be given time to meet those standards. Ms. Turley stated that older homes take awhile to grow into and improve to the standards that modern homes are built.

Antoine Carlosano discussed concerns with his basement and stated that he was not here in regard to the gravel driveway issue. Frank referred him to the Building Inspections department and indicated he would ensure they gave him a call.

Gerald Wise stated that he understands where everyone is coming from with their concerns on this ordinance. However, he indicated that he spent \$2800 to concrete his driveway when he heard about this new ordinance taking effect. Mr. Wise said that if people can afford to purchase their numerous cars, they can afford to maintain their driveway. He stated that residents of the City knew this was coming since 2005 which should have been more than enough time to fix their driveways. Mr. Wise explained that he has no problem with gravel as long as it is maintained but stated that 90% of home owners do not maintain their driveways now and won't in the future, even if the City decides to allow them. He stated that the current ordinance is there for a reason and even though he is disabled he was able to find the money to concrete his driveway. He added that by changing the law it would be unfair to those people who spent their money to concrete their driveways upon hearing about this ordinance change. He stated that he supports improving the City to the best levels it can be.

Frank Lilly presented a letter emailed from Gary Zabriskie detailing a list of recommendations he had for the Planning Commission regarding this issue. These recommendations include: all homes built prior to 1988 should be exempt from the geotextile fabric requirement, strike the entire geotextile fabric provision and encourage a weed free surface in any manner possible, and the number of years to replenish the gravel should be removed and simply stated as needed.

Jason Jones stated that the original purpose of this ordinance was to improve the aesthetics and image of the City. He indicated that finding ways to reduce crime and gang activity is a better way to do this rather than put a financial burden on residents of the City for having a gravel driveway. Commissioner Jones stated that there is a homeless facility being built near 4 schools in the community and the City has taken no official position on it. He indicated that eradicating gravel driveways will do little for the image and appeal of the City. He concluded that if people stop moving into the City because of gravel driveways, that should be the time the issue is addressed.

Jack Matheson indicated that he had gravel driveways in his first two homes and they can be nice as long as they are well maintained. He stated that the most important thing seems to be keeping the gravel weed and dust free. He added that there are likely few people who can afford the cost of hard surfacing in today's economy. Commissioner Matheson indicated that the gravel must be crushed rock or ¾ inch diameter gravel because he feels peabody gravel and road-base doesn't work well or look attractive. He added that if homes constructed prior to 1988 are expanded by 25% they must be hard surfaced. He explained that if someone has enough money to build a garage, they should be able to remove their gravel driveway. Commissioner Matheson stated that he feels the ordinance is a burden the way it is now and gravel driveways are fine as long as they are properly maintained. He added that new gravel should be required to have the geotextile fabric underneath.

Terri Mills stated that the issue seems to be enforcement on existing properties and she doesn't feel

that requiring hard surfacing is fair or necessary. She added that many properties have different needs and those different needs can't necessarily be met with hard surfacing products.

Mary Jayne Davis stated that she understands both sides to the problem. She believes that requiring hard surfacing is a very expensive, difficult ordinance in today's economy. However, she also explained that every City must have standards and trying to enforce gravel driveways is still a difficult problem for the City. She indicated that she doesn't love the ordinance or hate it but the issues presented are important and shape how the City is perceived.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval with the following specifications:

1. **Agricultural.** Parcels of at least ½ acre on which an agricultural use occurs will be allowed to have a gravel driveway, provided it leads to a garage, accessory building, or properly located parking area. *In addition, agricultural access roads will not have a hard-surfacing requirement.*
2. **Residences built prior to March 30, 1988.** Parcels built before this date may use a gravel driveway for all off-street parking; however, if the home is significantly expanded, resulting in a 25 percent increase in floor area or if a new garage is constructed, the minimum required parking must be replaced with a hard surface. The date chosen is the effective date of the first ordinance to mandate hard surfacing in parking areas.
3. **Residences within the Mountain View Corridor Alignment** will not be required to replace their gravel driveways and parking areas with a hard surface.
4. **All Residences.** All residences will be required to maintain a hard surface for the minimum required area for driveways and parking, but additional parking in the side or rear yard can be gravel. Permanent parking in the front yard must be paved and permanently maintained with a hard surface. No more than 40 percent of a front yard in a typical West Valley City home may be hard surfaced or gravel for use as parking.
5. **Heavy Equipment in Manufacturing Zones** may be parked on gravel. Heavy equipment uses will be evaluated for their impact on City streets, neighboring properties, and the subject property.
6. **Recreational vehicle parking** may be accessed through landscaping.
7. Gravel must have a minimum depth of 3 inches and must be either crushed rock or ¾ inch diameter stone.
8. Gravel must be replenished as needed to maintain a dustless surface.

9. A geotextile fabric is recommended for any new gravel installed.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Jones	No
Commissioner Matheson	Yes
Commissioner Mills	No
Chairman Woodruff	Yes

Majority -ZT-3-2009– Approved